

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

FEB -11 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

DOUGLAS J. FIELD,

Plaintiff,

v.

JOHNNY TADLOCK and
JASON LINCOLN,

Defendants.

No. CIV 06-497-RAW-SPS

OPINION AND ORDER

Plaintiff filed this civil rights action, complaining about the conditions of his confinement in the McCurtain County Jail. The defendants have filed a motion to compel plaintiff to respond to discovery requests [Docket #26] and a subsequent motion to deem the motion to compel admitted [Docket #28]. On January 15, 2008, the court entered a minute order directing plaintiff to show cause within ten (10) days why the motion to compel should not be deemed to be admitted [Docket #29]. On January 29, 2008, the minute order was returned by the postal service with a notation of, "Return to Sender, Not Deliverable as Addressed, Unable to Forward" [Docket #30].

The returned minute order had been mailed to plaintiff at his last known address at Northeast Oklahoma Correctional Center in Vinita, Oklahoma. Plaintiff has not updated his address with the court, and his most recent contact apparently was when he returned the USM-285 forms for service in February 2007. The court, therefore, finds dismissal is proper for plaintiff's failure to prosecute this action. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to

prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, **DISMISSED**. All pending motions are **DENIED** as moot.

IT IS SO ORDERED this 11th day of February 2008.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE